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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/280,791	03/26/1999	FENG QIN	09019.0058US	6335

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EXAMINER

PRATT, CHRISTOPHER C

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 03/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/280,791

Applicant(s)

QIN ET AL.

Examiner

Christopher C Pratt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-21,23,26,29-34,38 and 40-48 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.

- 6) ☒ Claim(s) 8-21,23,26,29-34,38 and 40-48 is/are rejected.

- 7) ☐ Claim(s) _____ is/are objected to.

- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☒ Interview Summary (PTO-413) Paper No(s). 25
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendments and accompanying remarks filed 1/13/03 have been entered and carefully considered. The rejection over Yamamura has been withdrawn because it fails to teach spunlaced fabrics. Despite this advance, the amendments are not found to patentably distinguish the claims over the prior art and Applicant's arguments are not found persuasive of patentability for reasons set forth herein below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 8-21, 23, 26, and 29-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 34 is indefinite because it confuses the scope of the claimed subject matter. Claim 34 now utilizes the partially closed transitional language "consisting essentially of." This language excludes the presence of materials, which affect the basic and novel characteristics of the invention. Here, it is not clear what applicant considers the basic and novel characteristics of the invention. Claim 34 is drawn to a web of poly(vinyl alcohol) fibers, yet claims depending therefrom add additional elements such as impermeable layers (claims 18-19) and coatings (claims 20-21).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11-16, 26, 29-31, 33-34, 38, and 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honeycutt (5207873), as previously set forth.

Applicant has amended claim 34 to include the partially closed transitional language "consisting essentially of." Honeycutt does not teach any additional elements which would change the basic and novel characteristics of its web. Therefore, Honeycutt continues to render obvious applicant's claims. The examiner notes that applicant did not attempt to argue that the amendment distinguishes the claims over Honeycutt.

Applicant argues that "Honeycutt does not suggest to one of ordinary skill in the art the claimed webs or fabrics embodied by Applicant's independent claims." Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

6. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honeycutt (5207873) in view of Honeycutt (5885907).

Honeycutt '873 is silent with respect to the degree of hydrolysis and polymerization of the fibers.

Honeycutt '907 is concerned with the creation of a nonwoven fabric comprising poly(vinyl alcohol) fibers. '907 teaches applicant's claimed properties (abstract). It would have been obvious to the skilled artisan to utilize '907's polymerization and hydrolysis range in '873's fibers. The skilled artisan would have been motivated to vary the degree of polymerization by the desire to alter the water solubility properties of the fibers.

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Honeycutt (5207837) in view of Yamamura et al (5882780).

Honeycutt fails to teach a mixture of different fiber types. Yamamura teaches a nonwoven web comprising a mixture of polyester and polyvinyl alcohol fibers. It would have been obvious to a person having ordinary skill in the art to add polyester fibers to the web of Honeycutt. Such a combination would have been motivated by the desire to improve the strength of Honeycutt's web and provide it with stretch properties.

8. Claims 18-19, 21, 22, 40-41, and 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honeycutt (5207837) in view of Chen et al (5990377), as set forth in previous actions.

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Honeycutt teaches its web to be used as a diaper, but fails to teach the remaining structure of the diaper.

Chen is concerned with the creation of a diaper. Chen teaches preferred diaper structures including a substantially impermeable polymer layer (col. 3, lines 5-10 and col. 7, line 61) and applicant's claimed fluorocarbon/wax coating, as set forth in previous actions. It would have been obvious to a person having ordinary skill in the art to utilize the diaper structure taught by Chen. Such a modification would have been motivated by the desire to utilize Honeycutt's web in a commercially viable product.

9. Claims 20, 32, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honeycutt (5207837) in view of Abe et al (5658915).

Honeycutt fails to teach applicant's claimed coating. Abe is concerned with the creation of a nonwoven web used as a diaper. Abe teaches an antibacterial agent coated on a fabric with the aid of water and acetone. It would have been obvious to a person having ordinary skill in the art to utilize the coating of Abe on the web of Honeycutt. Such a combination would have been motivated by the desire to impart antibacterial properties to the web of Honeycutt.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Pratt whose telephone number is 703-305-6559. The examiner can normally be reached on Monday - Friday from 7 am to 4 pm.


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If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Christopher C. Pratt
March 16, 2003



CHERYL A. JUSKA
PRIMARY EXAMINER